



REASONS

For Restoring of the

SUMMER SESSION.

WHatever Alterations have been in the Dyets of the Session, yet these several hundreds of years since the Institution of the Colledge of Justice, the wisdom of His Sacred Majesties Royal Ancestors, and the prudence of our Parliaments, did at last settle into a Summer and a Winter Session, as the fittest Seasons (after they had Balanced all inconveniencies) for easing the necessities, and accommodation of the Leidges; and which was excellently well Contrived, both for the Dispatch of Business, and the conveniency of the People: It being evident from Experience, that as much Business can be Dispatched in these two Months of the Summer Session, as in the four Months of the Winter, the Dayes being long, and the Weather good, and so not exposed to these Diseases that are contracted by Mens attending their Business in the cold and rigid Nights of Winter; and these two Months of Summer are proper for the Inhabitants of the Isles, and other remote Countreys, to come and get their Causes Discussed; whereas in Winter there is scarce any Travelling from these parts; or if they come, they are necessitat to stay the whole Winter: And there can be nothing more convenient for the People, these two Months of *June* and *July* being free from Labouring, as falling in betwixt Seed and Harvest-time; whereas the Month of *March* now Adjected to the Winter Session, is a part of our Seed-time; and in respect of that inconveniency, the Lords were anciently discharged from sitting in that Month: And we may justly have that respect for this ancient Practice, as to believe it hath been done upon just and rational Considerations; and old Laws and Customs are like Men, who have lived long, whose longevity presumes them to have been of a sound and wholesome Temperament and Constitution; and *Lex secunda digest. de constitutionibus principum*, sayes excellently, That *in novis rebus constituendis*, the Utility must be very great and evident before we depart from what hath been long received as just and expedient, all Mutations being dangerous; the Supposition and Prospect of advantage by the change oft-times falling short of expectation, as hath clearly fallen out in this case of suppressing the Summer Session.

2^o. The alteration of this Dyet of the Session, by taking away the two Months in the Summer, hath occasioned an unexpressible damage to the Ledges, by want of Justice, more than the one half of the Year; There being no Kingdom nor State in the World, where there is so long a surcease of Justice, *England* and other Nations finding the great advantage of keeping frequent Terms; neither is this inconvenient salved by the Inferior Courts, seeing a stop is either put to their Procedure by Advocations, or to the Execution of their Sentences by Suspensions; so that this Prospect of a long Vacation, forces Parties who stand in need of Money to Compone and give down of their just Claims, for a part to save their Credit.

3^o. The taking away of the Summer Session puts a stop to all Legal Diligence and Execution; As for instance, where a Creditor does diligence upon a Decreet or Bond in the Month of *March*, or has then a Process depending before an Inferiour Court; if the same be Advocated or Suspended, they will not be gotten discussed for Ten Months thereafter: For when the Session sits down in *November*, a time must be allowed for Seeing, Returning and Inrolling the same; and when it comes in by the course of the Roll, if there be any difficulty, or some Points require Probation, the Creditor will be delayed to another Session, which is an unspeakable prejudice to the Ledges; for during that time, Widows and Orphans starve, Debtors turn Bankrupt and Insolvent, and Creditors are reduced to great Straits for want of their Money: And the Case is as clear in the matter of Removings, where a Tenant being warned before the *Whitsunday*, by Advocations and Suspensions, he possesses violently for a whole Year; and the hazard that arises to Adjudgers is unanswerable, who are oft-times by the said long Vacation of Seven Months, excluded from coming in within Year and Day of the first Adjudger, and so he loses his Money: All which Prejudices and Inconveniencies were remedied when the Session did sit these Two Months in the Summer time; And many more Instances of the like nature could be given to Evince the infinite Prejudices arising to the whole Kingdom through the want thereof.

4^o. By taking away the Summer Session, His Majesties Authority during the space of Seven Months, wants the Support and Assistance which otherways it uses to have from the frequent Attendance of the Nobility, Kings Officers, and others in the Session time, because of the conveniency they then have in managing their privat Business; whereas in this long Vacation of Seven Months they can hardly be brought together; and so want that Correspondance, Intelligence, and mutual Assistance, which they have in time of the Session; and Our Rebellions being ordinarily in the Summer time, because of the conveniency which Rebels have of lying in the open Fields, and of getting Provision for their Horses, it would be much easier to suppress the same when His Majesties Authority is fully represented, and His Nobility and Servants fully convened; a great instance whereof appeared in the Rebellion of *Bothwell-Brigge*, and last Summer against the late Earl of *Argile*.

5^o. The want of the Summer Session destroyes all Trade and Commerce, for when Mercchants cannot get in their Money timeously by Legal Executions, this necessarily ruins their Credit, and makes so many Bankrupts: Neither is this deadness of Trade alone within *Edinburgh*, but throughout all the Nation; For where there are not Concourse and Meetings of the People, there is neither occasion for Bargains nor Commerce; and the intercourse of Money is wholly stopped by it; for the Affairs of this Kingdom do run so, that the Term of *Whitsunday* occasion-

ed a resort of Borrowers and Lenders to *Edinburgh*, which was so well accomodat for the ease of the Subjects, that they both managed their Law-business, and gave out and took in their Money at one and the same time; Whereas now since the removal of the Summer Session, the practice of paying at *Whitsunday* is much diminished.

6°. Corn being the great Staple-Commodity which *Scotland* yields, there is a most sensible decay both in the Consumption and Price of Victual, since the taking away of the Summer Session; Neither doth this only concern the Heretors, and the Inhabitants of the Shires near *Edinburgh*, whose Corn, young Bestial, Poultry, and the other Product of their Ground used to be consumed in these two Months of the Summer Session; But likewise the Victual belonging to the Nobility and Gentry in the North, mostly in their hands un-sold, in regard it is not transportable till *March* or *April*, because of the Storms, and then there is no use for it at *Edinburgh*; Whereas formerly it was consumed in the Summer Session: So that it can be demonstrated, that this alteration hath not only broken many Tenements, but made a Diminution in the Rents of many Heretors in *Scotland*.

7°. The suppressing of the Summer Session does inevitably occasion a great Detriment to His Majesties Revenue and Excise, both as to the two Merks upon the Boll of Bear, and by hindering the Consumption of other Merchant Ware which used to go off in Summer, and for which Custom was payable, and has proven a great Discouragement to those who upon the Faith of the late Act of Parliament engaged in the Manufactories for Improvement of Our Native Product, the Summer Session being the great occasion of the Consumpt of such Commodities, and which has drawn on more Disadvantage and Decay of Trade upon this Nation, then all the imaginary Good that was proposed would follow upon the removal of the Summer Session can Compense.

8°. As the want of the Summer Session is a great Prejudice to the State, so it is no less prejudicial to the Church; for when there is no Summer Session, the Commission for Plantation of Kirks does not then meet; so that Ministers cannot get their Stipends augmented, nor the Bishops who live at a distance cannot attend; and in that surcease of Justice for seven Moneths, Heretors do sometimes suspend their Minister, which cannot be got discussed till the Winter; and it is very hard that Ministers who have no other way of Livelihood, should want their Stipends for a whole Year.

9°. The Interest of the Town of *Edinburgh* in the restitution of the Summer Session needs not to be insisted on; seing *res ipsa loquitur*: But they crave leave to Represent, That the want thereof is no small Prejudice to the Gentry, who send in their Children, either to be bred in Callings, or to be educated in Schools and Colledges, and who for shunning the expence of two Families, did come and Reside in the Town, whereby they at one and the same time, both got their Law Affairs followed, when there was a Summer Session, and their Children Educated: and the parallel used by *Menenius Agrippa* for reclaiming the Commons of *Rome*, (as is recorded by *Livy*,) is apposite to this Case, That by what degrees the Belly is famished, by the same measures of proportion the rest of the Members of the Body will perish and decay. *Edinburgh* as it is the *Metropolis* of the Kingdom, and the City of our Solemnities, so it is the *communis patria* of Scotsmen, and Center where Gentlemens younger Sons are bred in Merchandize and other Callings; so if it Flourish, the rest by a kindly reciprocation participat therein.

10. As to the Pretence that was made, that the taking away the Summer Session would cut off Pleas, and all Causes could be dispatched in Five Months as well as when there was Two Months in Summer, the Books of Inrollment gives an evident demonstration how much this hath failed, for there are more Actions standing in the Books of Inrollment for the Inner and Outer-House yet uncalled, then could be discussed in Two Months : So that the only way to Obviate and Remedy all these Inconveniencies and Prejudices which the King, the Countrey, and the Church do so evidently Sustain, is to Restore the Summer Session, as it was formerly, according to the Old Institution, and the inviolable Custom introduced by Our Kings and Parliaments, upon such grave and weighty Considerations ; And therefore it is hoped, the Lord Commissioner his Grace, and the Honourable States of Parliament, will Promote so good a Work, tending so eminently to the Advantage and Benefite of the whole Kingdom.